FILED
DISTRICT OF NEBRASKA
AT ....
FEB 28 1975
Richard A. ..., Clerk
By ..... Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHARLES A. CANNON, III, et al,

Plaintiffs,

vs.

FIRST MID AMERICA INC., et al,

Defendants.

ORDER

Northern District of Iowa,
Western Division
C 74-4043

On consideration of the motion to compel compliance with subpoenas, filed February 6, 1975,

IT HEREBY IS ORDERED that the deponents Charles Lang, Dennis Park, Patrick Butera, Gerald Delzell and Dale Tinstman are ordered to produce the transcripts of their testimony before the Securities and Exchange Commission previously given, except that portion of the transcript of the testimony of Dale Tinstman regarding a memorandum of law prepared by the in-house counsel of First Mid America Inc. to which an attorney-client privilege was asserted by First Mid America Inc. need not be produced; however, upon future request of the plaintiffs' counsel the court will receive and examine *in camera* the portion of Dale Tinstman's testimony regarding such memorandum, as well as the memorandum itself, to ascertain that they are of a privileged nature.

IT FURTHER IS ORDERED that the request of the plaintiffs for assessment of sanctions against the defendants pursuant to Rule 37 of the Federal Rules of Civil Procedure is denied.

Dated February 28, 1975.

BY THE COURT

Chief Judge

Mailed copies to Burt & Hamilton